Virgin Records America, Inc v. Thomas

Doc. 336

REDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

CAPITOL RECORDS INC., a Delaware corporation; **SONY BMG MUSIC ENTERTAINMENT**, a Delaware general partnership; **ARISTA RECORDS LLC**, a Delaware limited liability company; **INTERSCOPE RECORDS**, a California general partnership; **WARNER BROS. RECORDS INC.**, a Delaware corporation; and **UMG RECORDINGS, INC.**, a Delaware corporation, Plaintiffs, v. **JAMMIE THOMAS-RASSET**, Defendant.	Case No. 06-cv-1497 (MJD/RLE) **SPECIAL VERDICT FORM**

VERDICT FORM

We, the jury impaneled in this matter, hereby answer the Special Verdict questions put to us as follows:

1. As to each sound recording listed below, **please answer whether the listed plaintiff owned the copyright to the corresponding sound recording**:

Dockets.Justia.com

Did plaintiff Capitol Records, Inc. own the copyright to Richard Marx, "Now and Forever"?

YES ✓ NO ______

Did plaintiff Sony BMG Music Entertainment own the copyright to Destiny's Child, "Bills, Bills, Bills"?

YES ✓ NO ______

Did plaintiff Sony BMG Music Entertainment own the copyright to Journey, "Don't Stop Believin'"?

YES ✓ NO ______

Did plaintiff Sony BMG Music Entertainment own the copyright to Journey, "Faithfully"?

YES ✓ NO ______

Did plaintiff Sony BMG Music Entertainment own the copyright to Gloria Estefan, "Coming Out of the Dark"?

YES ✓ NO ______

Did plaintiff Sony BMG Music Entertainment own the copyright to Gloria Estefan, "Here We Are"?

YES ✓ NO ______

Did plaintiff Sony BMG Music Entertainment own the copyright to Gloria Estefan, "Rhythm Is Gonna Get You"?

YES ✓ NO ____

Did plaintiff Arista Records LLC own the copyright to Sarah McLachlan, "Building a Mystery"?

YES ✓ NO ____

Did plaintiff Arista Records LLC own the copyright to Sarah McLachlan, "Possession"?

YES ✓ NO ____

Did plaintiff Interscope Records own the copyright to No Doubt, "Bathwater"?

YES ✓ NO ____

Did plaintiff Interscope Records own the copyright to No Doubt, "Different People"?

YES ✓ NO ____

Did plaintiff Interscope Records own the copyright to No Doubt, "Hella Good"?

YES ✓ NO ____

Did plaintiff Warner Bros. Records Inc. own the copyright to Goo Goo Dolls, "Iris"?

YES ✓ NO ______

Did plaintiff Warner Bros. Records Inc. own the copyright to Green Day, "Basket Case"?

YES ✓ NO ______

Did plaintiff Warner Bros. Records Inc. own the copyright to Linkin Park, "One Step Closer"?

YES ✓ NO ______

Did plaintiff UMG Recordings, Inc. own the copyright to Aerosmith, "Cryin'"?

YES ✓ NO ______

Did plaintiff UMG Recordings, Inc. own the copyright to Bryan Adams, "Somebody"?

YES ✓ NO ______

Did plaintiff UMG Recordings, Inc. own the copyright to Def Leppard, "Pour Some Sugar On Me"?

YES ✓ NO ______

Did plaintiff UMG Recordings, Inc. own the copyright to Guns N Roses, "November Rain"?

YES ✓________ NO __________

Did plaintiff UMG Recordings, Inc. own the copyright to Guns N Roses, "Welcome to the Jungle"?

YES ✓________ NO __________

Did plaintiff UMG Recordings, Inc. own the copyright to Janet Jackson, "Let's Wait Awhile"?

YES ✓________ NO __________

Did plaintiff UMG Recordings, Inc. own the copyright to Reba McEntire, "One Honest Heart"?

YES ✓________ NO __________

Did plaintiff UMG Recordings, Inc. own the copyright to Sheryl Crow, "Run, Baby, Run"?

YES ✓________ NO __________

Did plaintiff UMG Recordings, Inc. own the copyright to Vanessa Williams, "Save the Best for Last"?

YES ✓________ NO __________

FOR EACH SOUND RECORDING FOR WHICH YOU ANSWERED "NO" IN QUESTION 1, DO NOT ANSWER ANY FURTHER QUESTIONS WITH RESPECT TO THAT SOUND RECORDING.

2. Answer this question for each sound recording for which you answered **"YES"** in Question 1.
Did defendant commit an act of infringement with respect to the following copyrighted sound recordings?

Richard Marx, "Now and Forever":

YES ✓ NO ______

Destiny's Child, "Bills, Bills, Bills":

YES ✓ NO ______

Journey, "Don't Stop Believin'":

YES ✓ NO ______

Journey, "Faithfully":

YES ✓ NO ______

Gloria Estefan, "Coming Out of the Dark":

YES ✓ NO ______

Gloria Estefan, "Here We Are":

YES ____√____ NO ________

Gloria Estefan, "Rhythm Is Gonna Get You":

YES ____√____ NO ________

Sarah McLachlan, "Building a Mystery":

YES ____√____ NO ________

Sarah McLachlan, "Possession":

YES ____√____ NO ________

No Doubt, "Bathwater":

YES ____√____ NO ________

No Doubt, "Different People":

YES ____√____ NO ________

No Doubt, "Hella Good":

YES ____√____ NO ________

Goo Goo Dolls, "Iris":

YES ✓ ____________ NO ____________

Green Day, "Basket Case":

YES ✓ ____________ NO ____________

Linkin Park, "One Step Closer":

YES ✓ ____________ NO ____________

Aerosmith, "Cryin'":

YES ✓ ____________ NO ____________

Bryan Adams, "Somebody":

YES ✓ ____________ NO ____________

Def Leppard, "Pour Some Sugar On Me":

YES ✓ ____________ NO ____________

Guns N Roses, "November Rain":

YES ✓ ____________ NO ____________

Guns N Roses, "Welcome to the Jungle":

YES ____√____ NO __________

Janet Jackson, "Let's Wait Awhile":

YES ____√____ NO __________

Reba McEntire, "One Honest Heart":

YES ____√____ NO __________

Sheryl Crow, "Run, Baby, Run":

YES ____√____ NO __________

Vanessa Williams, "Save the Best for Last":

YES ____√____ NO __________

FOR EACH SOUND RECORDING FOR WHICH YOU ANSWERED "NO" IN QUESTION 2, DO NOT ANSWER ANY FURTHER QUESTIONS WITH RESPECT TO THAT SOUND RECORDING.

3. Answer this question for each sound recording for which you answered **"YES"** in Question 2.
Do you find that the defendant's infringement was committed willfully?

Richard Marx, "Now and Forever":

YES ✓ NO ____

Destiny's Child, "Bills, Bills, Bills":

YES ✓ NO ____

Journey, "Don't Stop Believin'":

YES ✓ NO ____

Journey, "Faithfully":

YES ✓ NO ____

Gloria Estefan, "Coming Out of the Dark":

YES ✓ NO ____

Gloria Estefan, "Here We Are":

YES ✓ NO ____

Gloria Estefan, "Rhythm Is Gonna Get You":

YES ✓ NO ____

Sarah McLachlan, "Building a Mystery":

YES ___√___ NO ______

Sarah McLachlan, "Possession":

YES ___√___ NO ______

No Doubt, "Bathwater":

YES ___√___ NO ______

No Doubt, "Different People":

YES ___√___ NO ______

No Doubt, "Hella Good":

YES ___√___ NO ______

Goo Goo Dolls, "Iris":

YES ___√___ NO ______

Green Day, "Basket Case":

YES ___√___ NO ______

Linkin Park, "One Step Closer":

YES ✓ NO ____

Aerosmith, "Cryin'":

YES ✓ NO ____

Bryan Adams, "Somebody":

YES ✓ NO ____

Def Leppard, "Pour Some Sugar On Me":

YES ✓ NO ____

Guns N Roses, "November Rain":

YES ✓ NO ____

Guns N Roses, "Welcome to the Jungle":

YES ✓ NO ____

Janet Jackson, "Let's Wait Awhile":

YES ✓ NO ____

Reba McEntire, "One Honest Heart":

YES ___√___ NO ________

Sheryl Crow, "Run, Baby, Run":

YES ___√___ NO ________

Vanessa Williams, "Save the Best for Last":

YES ___√___ NO ________

For each sound recording for which you answered **"NO"**, proceed to Question 4. For each sound recording for which you answered **"YES"**, proceed to Question 5.

FOR EACH SOUND RECORDING, YOU SHOULD ANSWER EITHER QUESTION 4 OR QUESTION 5 BUT NOT BOTH, DEPENDING ON WHETHER YOU FOUND THAT THE ACT OF INFRINGEMENT WAS NON-WILLFUL OR WILLFUL.

4. Answer this question for each sound recording for which you answered **"NO"** in Question 3.
You have found that the defendant committed a non-willful act of infringement. What statutory damages do you award the plaintiff who owned that copyrighted work for each copyrighted work ($750-$30,000)?

Capitol Records, Inc. for Richard Marx, "Now and Forever":

$ ________

Sony BMG Music Entertainment for Destiny's Child, "Bills, Bills, Bills":

$ ____________

Sony BMG Music Entertainment for Journey, "Don't Stop Believin'":

$ ____________

Sony BMG Music Entertainment for Journey, "Faithfully":

$ ____________

Sony BMG Music Entertainment for Gloria Estefan, "Coming Out of the Dark":

$ ____________

Sony BMG Music Entertainment for Gloria Estefan, "Here We Are":

$ ____________

Sony BMG Music Entertainment for Gloria Estefan, "Rhythm Is Gonna Get You":

$ ____________

Arista Records LLC for Sarah McLachlan, "Building a Mystery":

$ ____________

Arista Records LLC for Sarah McLachlan, "Possession":

$ ____________

Interscope Records for No Doubt, "Bathwater":

$ ____________

Interscope Records for No Doubt, "Different People":

$ ____________

Interscope Records for No Doubt, "Hella Good":

$ ____________

Warner Bros. Records Inc. for Goo Goo Dolls, "Iris":

$ ____________

Warner Bros. Records Inc. for Green Day, "Basket Case":

$ ____________

Warner Bros. Records Inc. for Linkin Park, "One Step Closer":

$ ____________

UMG Recordings, Inc. for Aerosmith, "Cryin'":

$ ____________

UMG Recordings, Inc. for Bryan Adams, "Somebody":

$ ____________

UMG Recordings, Inc. for Def Leppard, "Pour Some Sugar On Me":

$ ____________

UMG Recordings, Inc. for Guns N Roses, "November Rain":

$ ____________

UMG Recordings, Inc. for Guns N Roses, "Welcome to the Jungle":

$ ____________

UMG Recordings, Inc. for Janet Jackson, "Let's Wait Awhile":

$ ____________

UMG Recordings, Inc. for Reba McEntire, "One Honest Heart":

$ ____________

UMG Recordings, Inc. for Sheryl Crow, "Run, Baby, Run":

$ ____________

UMG Recordings, Inc. for Vanessa Williams, "Save the Best for Last":

$ ____________

5. Answer this question for each sound recording for which you answered **"YES"** in Question 3.
You have found that the defendant committed a willful act of infringement. What statutory damages do you award the plaintiff who owned that copyrighted work for each copyrighted work ($750-$150,000)?

Capitol Records, Inc. for Richard Marx, "Now and Forever"?

$ 80,000

Sony BMG Music Entertainment for Destiny's Child, "Bills, Bills, Bills":

$ 80,000

Sony BMG Music Entertainment for Journey, "Don't Stop Believin'":

$ 80,000

Sony BMG Music Entertainment for Journey, "Faithfully":

$ 80,000

Sony BMG Music Entertainment for Gloria Estefan, "Coming Out of the Dark":

$ 80,000

Sony BMG Music Entertainment for Gloria Estefan, "Here We Are":

$ 80,000

Sony BMG Music Entertainment for Gloria Estefan, "Rhythm Is Gonna Get You":

$ 80,000

Arista Records LLC for Sarah McLachlan, "Building a Mystery":

$ 80,000

Arista Records LLC for Sarah McLachlan, "Possession":

$ 80,000

Interscope Records for No Doubt, "Bathwater":

$ 80,000

Interscope Records for No Doubt, "Different People":

$ 80,000

Interscope Records for No Doubt, "Hella Good":

$ 80,000

Warner Bros. Records Inc. for Goo Goo Dolls, "Iris":

$ 80,000

Warner Bros. Records Inc. for Green Day, "Basket Case":

$ 80,000

Warner Bros. Records Inc. for Linkin Park, "One Step Closer":

$ 80,000

UMG Recordings, Inc. for Aerosmith, "Cryin'":

$ 80,000

UMG Recordings, Inc. for Bryan Adams, "Somebody":

$ 80,000

UMG Recordings, Inc. for Def Leppard, "Pour Some Sugar On Me":

$ 80,000

UMG Recordings, Inc. for Guns N Roses, "November Rain":

$ 80,000

UMG Recordings, Inc. for Guns N Roses, "Welcome to the Jungle":

$ 80,000

UMG Recordings, Inc. for Janet Jackson, "Let's Wait Awhile":

$ 80,000

UMG Recordings, Inc. for Reba McEntire, "One Honest Heart":

$ 80,000

UMG Recordings, Inc. for Sheryl Crow, "Run, Baby, Run":

$ 80,000

UMG Recordings, Inc. for Vanessa Williams, "Save the Best for Last":

$ 80,000

Case No. 06-cv-1497 (MJD/RLE) **REDACTED**

SIGN AND DATE THE VERDICT:

SO SAY WE ALL, this 18 day of June, 2009.

All jurors, please print and sign your names below:

REDACTED